

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

KEVIN LINDKE,
Plaintiff,

v.

Case No.: 20-cv-10872
Honorable Mark A. Goldsmith
Magistrate David R. Grand

JAMES R. FREED,
in his personal and official
capacities,
Defendants

NOTICE

OUTSIDE LEGAL COUNSEL PLC
PHILIP L. ELLISON (P74117)
Attorney for Plaintiff
PO Box 107
Hemlock, MI 48626
(989) 642-0055
(888) 398-7003 - fax
pellison@olcplc.com

TODD J. SHOUDY (P41895)
VICTORIA R. FERRES (P78788)
FLETCHER FEALCO SHOUDY &
FRANCIS, P.C.
Attorneys for Defendant
1411 Third Street, Suite F
Port Huron, Michigan 48060
(810) 987-8444
tshoudy@fletcherfealko.com
vferres@fletcherfealko.com

NOTICE OF NEW AUTHORITY

NOW COMES Plaintiff Kevin Lindke, by counsel, and gives notice of the issuance of new appellate authority. When this case was heard at the United States Supreme Court, it had a companion case, *O'Connor-Ratcliff v. Garnier*, from the Ninth Circuit. Both cases were jointly heard and later respectively remanded. On May 14, 2025, the Ninth Circuit issued its published opinion sustaining the First Amendment violation when applying

the new *Lindke* standard. A copy of the decision is provided to the Court in advance of the May 20, 2025 conference.

Date: May 16, 2025

RESPECTFULLY SUBMITTED:

/s/ Philip L. Ellison

OUTSIDE LEGAL COUNSEL PLC

PHILIP L. ELLISON (P74117)

Counsel for Plaintiff

PO Box 107

Hemlock, MI 48626

(989) 642-0055

pellison@olcplc.com

LOCAL RULE CERTIFICATION

I, Philip L. Ellison, certify that this document complies with Local Rule 5.1(a), including: double-spaced (except for quoted materials and footnotes); at least one-inch margins on the top, sides, and bottom; consecutive page numbering; and type size of all text and footnotes that is no smaller than 10-1/2 characters per inch (for non-proportional fonts) or 14 point (for proportional fonts). I also certify that it is the appropriate length. Local Rule 7.1(d)(3)."

CERTIFICATE OF SERVICE

I, the undersigned attorney of record, hereby certify that on the date stated below, I electronically emailed and sent via US mail the foregoing document to all counsel or parties of record.

Date: May 16, 2025

RESPECTFULLY SUBMITTED:

/s/ Philip L. Ellison

OUTSIDE LEGAL COUNSEL PLC

PHILIP L. ELLISON (P74117)

Counsel for Plaintiff

PO Box 107

Hemlock, MI 48626

(989) 642-0055

pellison@olcplc.com